

Memorandum

Date: July 24, 1996

From: James Mayka, Branch Chief
Superfund Division

Sally A. [unclear] for JMM

To: Stephen D. Luftig, Director,
OERR

Subject: Use of Superfund Money to Remediate Home Exterior Lead
Paint Problems at the NL/Taracorp Superfund Site in
Illinois.

NL/Taracorp is a site undergoing Superfund remediation activities for soil lead contamination. A large portion of the remedy involves remediation of soil lead contamination in the residential areas of Granite City, Venice and Madison. These communities have environmental justice concerns.

Region 5 hereby requests \$200,000 in funding to address exterior lead paint on structures (e.g., residences) in order to protect the soil remediation remedy from recontamination at the NL/Taracorp Superfund Site. The lead paint has the potential to recontaminate soils which EPA is cleaning up to protect the public. As is described further below, **this request is time-critical since the lead-based paint HUD grant application is due to HUD by July 30, 1996.** Without Superfund money contribution, the applicant, IDPH may be slightly disadvantaged in its efforts to get money through the Category B grant which is specifically for Superfund sites.

Decisional Document

On September 30, 1995, Region 5 issued a decisional document (i.e., Decision Document/Explanation of Significant Differences) for the NL/Taracorp Superfund Site.

EPA's decisional document states consistent with the July 14, 1994, "Revised Interim Soil Lead Guidance for CERCLA Site and RCRA Corrective Action Facilities" (July 1994 Guidance), U.S. EPA has taken and will continue to take a "global" or multi-media approach to addressing the lead contamination at the NL Site." The July 1994 Guidance states exterior lead-based paint can be a significant source of lead exposure and needs to be considered when determining the most appropriate response action. The decisional document further states that "additional measures will be



taken beyond soil remediation to 500 ppm lead to assure that the selected remedy is protective. These additional measures are: continue to work with the IDPH and other agencies to address interior and exterior lead-based paint at residences where soil remediation is required. In all instances, every effort will be made to address deteriorating exterior lead-based paint prior to soil remediation in order to prevent recontamination."

The cost of the remedy is estimated at \$55,000,000 of which it is estimated that approximately \$30,000,000 will be for residential soil remediation.

Lawsuit

On June 10, 1996, the City of Granite City filed a motion in federal court seeking a Temporary Restraining Order/Permanent Injunction. One of their claims is that EPA is allowing the yards to become recontaminated by not remediating the exterior paint. While Region 5 believes the City is faulty in its current assessment of the situation, Region 5 agrees that the unremediated exterior paint may eventually recontaminate a portion of the remediated soils. Hence, Region 5 believes that the exterior paint should be remediated in order to obviate the need to go back and cleanup portions of the property a second time.

Pilot Project

U.S. EPA seeks money for exterior lead-based paint abatement and to contribute toward a multi-agency grant program.

HUD has established a grant program to address deteriorating lead-based paint. The Category A grant program is for State and local governments to undertake lead-based paint hazard control at eligible housing. IDPH was given a Category A grant and is implementing this program. The Category B grant program gives a maximum of \$2 million grants to State and local governments for assistance in undertaking interior and exterior lead-based paint hazard control in eligible housing units on **Superfund sites**. As is stated in the Federal Register, a multi-agency approach is needed to address deteriorating interior paint, exterior paint and soil simultaneously (61 F.R. 24419). The Illinois Department of Public Health (IDPH) will seek a grant through the Category B lead-based paint grant program.

This competitive grant program will be based on several factors. Points will be given for factors to determine which entities will be given the grant. The Federal Register notice announcing the grant states a multi-agency approach is needed to address deteriorating interior paint ,

One of the factors is whether Superfund money will be contributed for the paint hazard control. The Federal Register notice states . . . "[d]escribe which non-HUD funding sources have been secured to abate lead-based paint (10 points)" In other words, the potential grantee (i.e., IDPH) will have a slightly better chance of success in being awarded the grant if other agencies including EPA's Superfund program, contribute resources to the effort. Without Superfund money contribution, the IDPH may be disadvantaged in its efforts to get money through the Category B grant which is specifically for Superfund sites. (The City of Granite City has pledged 10% cost share for the project. The PRP group will not pledge any cost share towards this effort.) It is important to keep in mind the positive aspects of this pilot project to promote multi-agency involvement to address multi-media concerns. It is also important to note that with the pilot, the State and locals can build expertise in this type of work which may be used on other sites.

Last, the Federal Register announcing the grant implies that it is appropriate for Superfund to contribute towards lead-based paint hazard control. For example, it states "EPA Superfund normally cleans up residential soils that are contaminated with hazardous substances from local Superfund sites. . . . EPA Superfund does not generally address the problem of deteriorating interior lead-based paint because exposures from interior paint are generally not within the jurisdiction of the Superfund program. Exterior lead-based hazard control may be considered an eligible activity by the Superfund." (94 FR 24419).

This request for funding is time-critical since the lead-based paint HUD grant application is due to HUD by July 30, 1996.

Precedent

At the Silver Bow Superfund Site in Butte, Montana, which is another lead remediation case in Region 8, Headquarters agreed it was not inappropriate for Superfund monies to be used for exterior lead paint remediation in order to protect the remedy from recontamination. Headquarters agreed that remediation of paint at Superfund removal and remedial sites where lead is the contaminant of concern is an issue of national significance.

Approach

Region 5 envisions that the following approach will be utilized. If the HUD grant is awarded, then the money would be directed to IDPH to undertake lead-paint hazard control.

If the grant is not awarded, then Region 5 would undertake the exterior paint hazard control.

1. First, a survey of all residential properties will be conducted to accurately determine the scope of the lead-based paint problem. The goals of the survey would be to determine if a lead-based paint problem potentially exists in the interior and exterior of the home.

2. If the potential to recontaminate the exterior soils is present, then the exterior lead paint will be remediated by enclosure or removal. Every effort will be made to address deteriorating exterior lead-based paint prior to soil remediation in order to prevent recontamination. The Region will encourage the local government to remediate interior lead-based paint problems.

3. EPA will offer to vacuum the interior of the home with a specially designed vacuum cleaner to remove the historical lead dust from the dwelling.

4. EPA will continue to educate the occupants of these dwellings about the hazards posed by lead-based paints, both exterior and interior.

Estimate of Funding Needs

It is estimated that approximately 1300 residences will require various degrees of yard soil remediation.

While U.S. EPA has not performed a specific survey of each house to determine which houses have deteriorated indoor or exterior lead-based paint, based upon knowledge of the homes in the area and discussions with the homeowners, EPA assumes at least 10% of the homes will require some exterior lead paint hazard control. Hence we assume approximately 130 homes will require remediation.

Two hundred (200) residential yards will be remediated through 1996. If 10 % of have deteriorated lead-based paint, then 20 homes will require lead-based paint hazard control of the 200. Assuming \$10,000 for each home, then \$200,000 will be required to undertake lead-based paint hazard control through 1996.

Given the deadline for the HUD grant application and that Region 5 would like to begin implementing this proposal as soon as possible, **Region 5 would appreciate a response by July 25, 1996.** Attached is a Form to indicate approval or disapproval by Headquarters.

Please do not hesitate to call Sheri Bianchin of my staff at (312) 886-4745 or Brad Bradley at (312) 886-4742 if you have questions or concerns. We thank you for your prompt attention and sensitivity to this very important issue.

Response to July 24, 1996, Funding Request From Region 5 For
Lead-Based Paint Hazard Control at the NL/Taracorp Superfund Site

Approval

Date

Disapproval

Date

cc: James Mayka
Shahid Mahmud, HQ
Awilda Fuentes, HQ
Karen Lumino
Sean Mulroney, ORC
John Perrecone
Sheri Bianchin
Brad Bradley